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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 00-054

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. The analysis is not particularly helpful in understanding what the rule does. Although the analysis does not have to be an exhaustive discussion of the rule, it should contain sufficient detail to enable the reader to understand the content of the rule and the changes made, if any, in existing rules.

b. The treatment clause of SECTION 1 of the rule should refer to the amendment of s. SFC 8.02 (1) (intro.), i.e., “SFC 8.02 (1) (intro.), (a) and (c) . . .”

c. It appears that the material being added to the note in SECTION 3 of the rule is intended as substantive material, which should be located in a substantive provision of the rule rather than in a note. If this is done, “shall” should replace “should.”

d. In s. SFC 8.03 (2) (a) to (d), “may” should replace “will.” [See s. 1.01 (2), Manual.]

e. Section SFC 8.03 (2) (b) refers to “vocational technical adult education courses.” Several years ago, the Legislature changed the references in the statutes relating to the vocational and technical adult education system to the technical college system. The rule should be revised to refer to technical college courses.

4. Adequacy of References to Related Statutes, Rules and Forms

The reference to the note following s. SFC 8.03 (8) in the treatment clause of SECTION 3 of the rule should be a reference to the note following s. SFC 8.03 (1) (h) because SECTION 2 of the rule renumbered the provision.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Section SFC 8.02 (1) (c) appears to be creating a definition of the term “CEH,” which appears to be used only in the newly created s. SFC 8.03 (2). However, it seems as though the concept of CEH is relevant to the entire rule to the extent that “CEH” is synonymous with the term “continuing education hour.” In s. SFC 8.02 (1), a social worker is generally required to complete 30 continuing education hours every two years. No mention is made in this provision of “CEHs.” In s. SFC 8.03 (2), a certain number of CEHs are granted for various activities. If it is the rule’s intent for the term “CEH” to be synonymous with “continuing education hour,” then a more complete definition of “CEH” is necessary.

The awarding of CEHs “per continuing education hour” in s. SFC 8.03 (2) (a) is confusing. What is a “continuing education hour”? It is noted that the rule, by the amendment of s. SFC 8.02 (1) (c), defines a “CEH” as a 50-minute period; however, it does not define a “continuing education hour.” The rule should be clarified.

One way of addressing these issues is to define “CEH” and “continuing education hour” in s. SFC 2.01 and amend s. SFC 2.01 (intro.) to read as follows: “In chs. SFC 2 to 7 8.”

b. Given its placement in the Wisconsin Administrative Code, it appears reasonable to conclude that continuing education programs described in s. SFC 8.03 (2) must all relate somehow to the practice of social work. However, some of the descriptions, particularly in pars. (a) and (h), specifically call for the programs to either “relate to the profession” or to consist of “relevant professional material.” Should the reader conclude that other programs do not have to relate to the profession or be relevant to the practice of social work? It appears that the relationship between the continuing education programs and their relevance to the profession should be clarified and treated consistently in the rule.